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REMARKS

Applicants appreciate the consideration shown by the Office, as evidenced by the Office Action, mailed on August 13, 2003. In that Office Action, the Examiner rejected Claims 1-14 and 18-29. As such, Claims 1-14 and 18-29 remain in the case with none of the claims being allowed.

The August 13 Office Action has been carefully considered. After such consideration, Claims 1, 5-9, and 11 have been amended. Applicants respectfully request reconsideration of the application by the Examiner in light of the above amendments and the following remarks offered in response to the August 13 Office Action.

Applicants submit that the paragraph beginning on page 1, line 2, of the specification has been amended to provide the patent number (6,368,525) of the parent application.

Double Patenting

Claims 1-14 and 18-29 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,368,525 (hereinafter referred to as "'525 patent"). The Examiner states that the conflicting claims are not patentably distinct from each other "because the claims differ mainly in the obvious step of removing the cast material from the mold."

Applicants submit that, in order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference. The requisite suggestion or motivation must come from the references themselves, rather than from the Applicants' specification. Evidence of obviousness must show a specific teaching, motivation, or suggestion in the prior art to make the specific combination that was made by the Applicants. See In re Sang Su Lee, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Accordingly, Applicants submit that such suggestion or motivation to modify the reference cited by the Examiner.

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Applicants submit that the reference cited by the Examiner neither teaches nor suggests removal of the gel-cast ceramic article from the mold prior to freezing, but instead is silent with respect to removal of the cast material. Applicants therefore submit that the '525 patent fails to provide the requisite specific teaching, motivation, or suggestion, and that the provisional rejection of Claims 1-14 and 18-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the reference is successfully overcome.

Rejections under 35 U.S.C. §112, second paragraph

Claims 2, 3, and 5-11 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Examiner states that in claims 2, 3 and 8, the phrase "the volatile component" has no antecedent basis. Applicants submit that Claim 1 has been amended to introduce "a volatile component" thus providing proper antecedent basis for the phrase in Claims 2, 3, and 8. Applicants therefore submit that the rejection of Claims 2, 3, and 8 under 35 U.S.C. §112, second paragraph, is successfully overcome.

The Examiner states that Claim 5 is indefinite in that it refers to "vacuum applied in step (b)" and that no vacuum is applied in step (b) of Claim 1. Applicants submit that Claim 5 has been amended, for clarification purposes, to refer to "the vacuum applied in step (f)," rather than in step (b), of Claim 1. Applicants respectfully submit that Claim 5 now properly refers to the vacuum, which is applied in step (f) of Claim 1. The rejection of Claim 5 under 35 U.S.C. §112, second paragraph, is therefore successfully overcome.

The Examiner states that Claim 6 is indefinite in that it refers to a ceramic article in step (a), and that step (a) of Claim 1 does not include a ceramic article. Applicants submit that Claim 6 has been amended, for clarification purposes, to refer to "the ceramic article in step (e)," rather than in step (a), of Claim 1. Applicants respectfully submit that Claim 6 now properly refers to the ceramic article, as the ceramic article is recited in step

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(b) of Claim 1 and already exists in step (e) of the independent claim. The rejection of Claim 6 under 35 U.S.C. §112, second paragraph, is therefore successfully overcome.

The Examiner states that Claim 7 is indefinite in that it refers to a ceramic article in step (b), but no ceramic article exists in step (b) of Claim 1. Applicants submit that Claim 7 has been amended, for clarification purposes, to recite the limitation of gradually increasing the temperature of the ceramic article during step (e), rather than during step (b). Applicants respectfully submit that Claim 7 now properly refers to the ceramic article, as the ceramic article is recited in step (b) of Claim 1 and already exists in step (e) of the independent claim. The rejection of Claim 7 under 35 U.S.C. §112, second paragraph, is therefore successfully overcome.

The Examiner states that Claim 8 is indefinite in that it refers to freezing in step (a), and that freezing does not occur in step (a) of Claim 1. Applicants submit that Claim 8 has been amended, for clarification purposes, to recite the limitations of bringing the ceramic article down to its freezing point and gradually increasing its temperature in step (e), rather than in step (a), of Claim 1. Applicants respectfully submit that Claim 8 now properly refers to freezing, as the step of freezing is recited in step (e) of Claim 1. The rejection of Claim 8 under 35 U.S.C. §112, second paragraph, is therefore successfully overcome.

The Examiner states that Claim 9 is indefinite in that it refers to an article in step (b), but that no article exists in step (b) of Claim 1. Applicants submit that Claim 9 has been amended, for clarification purposes, to recite the limitation that the temperature of the ceramic article is gradually increased during step (e), rather than during step (b), of Claim 1. Applicants respectfully submit that Claim 9 now properly refers to an article, as the article is recited in step (b) of Claim 1 and already exists in step (e) of the independent claim. The rejection of Claim 9 under 35 U.S.C. §112, second paragraph, is therefore successfully overcome.

The Examiner states that Claim 11 refers to treating a green article prior to step (a) in Claim 1, but that the green body does not exist until it is formed in step (b). Applicants submit that Claim 11 has been amended to recite the limitation of partial drying in a


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relative humidity chamber prior to step (e) of Claim 1, rather than prior to step (a). Applicants respectfully submit that Claim 11 now properly refers to treating a green article, as the green article is recited in step (b) of Claim 1 and already exists in step (e) of the independent claim. The rejection of Claim 11 under 35 U.S.C. §112, second paragraph, is therefore successfully overcome.

In light of the amendment and remarks presented herein, Applicants submit that the case is in condition for immediate allowance and respectfully requests such action. If, however, any issues remain unresolved, the Examiner is invited to telephone the Applicants' counsel at the number provided below.

Respectfully submitted,



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